

Application No.: 09/393,718

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9 CENTRAL FAX CENTER Docket No.: 324212009101

AUG 15 2006

REMARKSI. Rejection of Claims 10-28 under 35 U.S.C. § 103(a)

The Examiner rejected claims 10-14 and 19-24 as allegedly being unpatentable over D'Arlach et al. (U.S. Patent No. 6026433) ("D'Arlach") in view of Joyce et al. (U.S. Patent No. 5546455) ("Joyce"). By this amendment, claims 10, 19, and 20 are amended, and new claims 29-32 are added. Claims 10-32 are pending.

A. Amendments to claims 10, 19, and 20

Each of claims 10 and 19 is amended to now recite "receiving a template program specific to the user in the data structure using the determined user identifier associated with the user request, wherein the template program is received from one of at least two locations, the location determined from frequency of the user request for the customized page." Claim 20 is amended to now recite "receiving a first template program specific to the first user using the determined first user identifier for the first user, wherein the first template program is received from one of at least two locations, the location determined from frequency of the first user request for the first customized page."

The template program can either be "generated from user preferences or retrieved from a cache of recently used user templates" (pg. 2, lines 30-33). Therefore, the template program is received from one of at least two locations. The frequency of the user request for the customized page determines the retrieval location of the template program (see Fig. 2; pg. 7, lines 9-21).

In contrast, D'Arlach discloses customizing elements of a web site, and then "publishing" the "customized site . . . as a Web site" on a server (col. 2, lines 49-50, fig. 2). The published web site is stored on a server and is provided from this one server location regardless of the frequency of the user requests for the web site. The frequency of the user requests for the web site is not relevant nor disclosed in D'Arlach:

In the present embodiment, a Web site is published to generate associated files for storage and thus enable future access to the updated

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site. Publishing a Web site involves creating a directory on a server and generating associated files (e.g., HTML, image, elements, and etc.) in the directory. After publishing, all changes are updated and the updated site can be accessed through the Web or intranet. (Col. 9, lines 37-43; See Fig. 14) (emphasis added)

Therefore D'Arlach does not disclose or suggest that a template program is received from one of at least two locations, the location determined by frequency of the user request for the customized page, as now recited in claims 10, 19, and 20.

Joyce also fails to disclose or suggest that a template program is received from one of at least two locations determined by frequency of the user request for the customized page. Thus, D'Arlach and Joyce, alone or in combination, do not disclose or suggest the combination of elements recited in each of claims 10, 19, and 20.

New dependent claims 29-32 are added. Support is provided, for example, at Pg. 7, lines 9-21 and Fig. 2.

#### **B. Claims 10-14 and 19-24**

For at least the foregoing, the Applicants respectfully request the rejection from claims 10-14 and 19-24 under 35 U.S.C. § 103 be withdrawn.

#### **C. Claims 15-18 and 25-28**

The Examiner rejected claims 15-18 and 25-28 as being unpatentable over D'Arlach in view of Joyce and Gerace et al. (U.S. Patent No. 5848396) ("Gerace"). D'Arlach, Joyce, and Gerace, alone or in combination, do not disclose the combination of elements recited in each of claims 15-18 and 25-28. At least for the foregoing, claims 15-18 and 25-28 are allowable. Accordingly, the Applicants respectfully request reconsideration and allowance of the claims 10-32.

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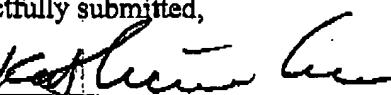
**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 324212009101. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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